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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL L. STEVENS,

Defendant.

CASE NO. 2:04-CR-289 WBS

STIPULATION AND ORDER TO CONTINUE
ADMIT/DENY HEARING

DATE: March 28, 2016

TIME: 9:00 a.m.

COURT: Hon. William B. Shubb

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for an admit/deny hearing on March 28, 2016.
2. By this stipulation, the parties now jointly move to continue the admit/deny hearing to April 25, 2016.
3. The defendant is facing California state criminal charges on the conduct alleged in his supervised release petition.
4. On December 16, 2014, U.S. Magistrate Judge Allison Claire ordered the defendant detained based on her finding that he posed a danger to the community. Dkt. #97. At the parties' last court appearance on November 16, 2015, they agreed to allow the federal matter to trail the state criminal case. Dkt. #117.

1 5. A California Superior Court has since issued a writ moving the defendant to state
2 custody. The writ specifies that the defendant shall remain in state custody until his state case is
3 resolved, at which time he shall be returned to federal custody.

4 6. On January 22, 2016, a California Superior Court ruled that there was probable cause to
5 believe the defendant had committed the alleged state crime and held him to answer. The defendant's
6 trial is set for April 18, 2016.

7 7. When defense counsel met with the defendant on Thursday, March 10, 2016, the
8 defendant said that he would like to appear in federal court to discuss an issue with the Court. Because
9 the defendant is in state custody, the parties need to conduct legal and logistical research on whether and
10 how this appearance might occur. The parties believe that the continuance will provide them with an
11 opportunity to conduct this research.

12 8. Additionally, defense counsel, who is new to the case, would like to review the transcript
13 from the parties' last court appearance on November 16, 2015. He has placed an order for the transcript.
14 This continuance should allow him to obtain a copy of the document and to review it with his client.

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9. The parties have attempted to consult with U.S. Probation Officer Rebecca Fidelman. She is out of the office until Tuesday, March 29, 2016. Especially in light of the pending state charges, Offer Fidelman has not previously objected to continuing this case.

IT IS SO STIPULATED.

Dated: March 24, 2016

BENJAMIN B. WAGNER
United States Attorney

/s/ AMANDA BECK
AMANDA BECK
Assistant United States Attorney


Dated: March 24, 2016

/s/ DAVID FISCHER
DAVID FISCHER
Counsel for Defendant
MICHAEL L. STEVENS

ORDER

IT IS SO FOUND AND ORDERED.

Dated: March 24, 2016


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE